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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/812,849

03/21/2001

Yusuke Hayashi

826.1704

1438

21171

7590

11/16/2005

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EXAMINER

CAMPBELL, JOSHUA D

ART UNIT

PAPER NUMBER

2178

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/812,849

Applicant(s)

HAYASHI, YUSUKE

Examiner

Joshua D. Campbell

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to communications: Amendment filed on 09/12/2005.
2. Claims 1-20 are pending in this case. Claims 1, 2, 5, 7, 8, 11, 12, 13, 14, and 15 are independent claims. Claims 1, 2, 5, 7, 8, and 11-15 have been amended. Claims 16-20 have been added.
3. The rejection of claims 2, 4, 11, and 13-15 under 35 U.S.C. 102(e) as being anticipated by Nehab et al. (hereinafter Nehab, US Patent Number 6,029,182, issued on February 22, 2000) has been withdrawn due to amendments.
4. The rejection of claims 1, 3, 5-10, and 12 under 35 U.S.C. 103(a) as being unpatentable over Nehab et al. (hereinafter Nehab, US Patent Number 6,029,182, issued on February 22, 2000) in view of Ferguson (US Patent Number 5,649,186, issued on July 15, 1997) has been withdrawn due to amendments.

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
6. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kubota (US Patent Number 5,506,902, issued April 9, 1996) in view of Ferguson et al. (hereinafter Ferguson, US Patent Number 5,819,092, issued October 6, 1998).

Regarding independent claim 1, Kubota discloses a method, system, computer readable medium, and apparatus for storing a preference corresponding to the user (User ID and subscription settings) in which information is retrieved which indicates a way in which information sets are handled in a source (Figures 12(a) and 12(b) and column 3, lines 33-53 and column 9, lines 1-9). The data obtained is based on the user preferences (subscription terms) (Figures 12(a) and 12(b) and column 3, lines 33-53 and column 9, lines 1-9). The handling information, which indicates how the information sets are handled, is then output to the user terminal (Figures 12(a) and 12(b) and column 3, lines 33-53 and column 9, lines 1-9). At this point the user selects the headline of the article the user wishes to view and that article is then distributed to the terminal and displayed corresponding to the handling information (Figures 12(a) and 12(b) and column 3, lines 33-53 and column 9, lines 1-9). Kubota does not explicitly disclose that a request is received from a user terminal or that a fee is charged to the user specifically for the selected set, rather Kubota discloses that the information request is generated automatically based on the subscription preferences and that the fee is a set subscription fee. However, Ferguson discloses that a user may make specific requests for information rather than the requests be made automatically, and that a user would be charged a fee for accessing specific content at the time it is accessed (column 31, lines 32-59 of Ferguson). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Kubota with the teachings of Ferguson because it would have provided access to the data at any given time the user wished to view it, unlike a set distribution

time, and would have provided the user a way to pay only for the content viewed, unlike a subscription fee.

Regarding dependent claim 3, Kubota discloses that the information indicating the way information is handled is based on position in the information source (Figures 12(a) and 12(b) and column 3, lines 33-53 and column 9, lines 1-9).

Regarding dependent claim 16, Kubota discloses that the information set is an article (Figures 12(a) and 12(b) and column 3, lines 33-53 and column 9, lines 1-9).

Regarding independent claims 2, 5, 7, 8, and 11-15, the claims incorporate substantially similar subject matter as claim 1. Thus, the claims are rejected along the same rationale as claim 1.

Regarding dependent claims 4, 6, 9, and 10, the claims incorporate substantially similar subject matter as claim 3. Thus, the claims are rejected along the same rationale as claim 3.

Regarding dependent claims 17-20, the claims incorporate substantially similar subject matter as claim 16. Thus, the claims are rejected along the same rationale as claim 16.

Response to Arguments

7. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

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8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

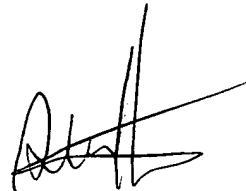
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D. Campbell whose telephone number is (571) 272-4133. The examiner can normally be reached on M-F (7:30 AM - 4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JDC
November 8, 2005



STEPHEN HONG
SUPERVISORY PATENT EXAMINER